

## Weisman, Kennedy & Berris Co., L.P.A.

Weisman, Kennedy & Berris Co., L.P.A. ("Weisman Kennedy") has been exclusively devoted to litigation since its founding in 1963. The firm concentrates in litigation dealing with mass torts, insurance, commercial, product liability and personal injury as a result of automobile negligence and medical malpractice. For over twenty-five years, the firm has directed considerable resources to class action litigation.

Weisman Kennedy has represented over 25,000 individuals before Federal and State courts throughout the United States. In addition to its local representation of individual clients, in the 1990s the firm emerged as a leader in the class action and national mass tort arena.

Weisman Kennedy has had notable involvement, usually as lead counsel, co-lead counsel, or liaison counsel in over 50 class actions or mass tort cases. For example, Weisman Kennedy held a leadership role in the Breast Implant Litigation, MDL-926 where the firm was a member of the Settlement Advisory Committee, as well as the State Liaison Counsel for Ohio, and First Chair in the depositions of employees from Dow Corning, Koken and Porex. The firm devoted over twelve thousand (12,000) hours of lawyer, paralegal and nursing time to discovery efforts.

Weisman Kennedy acted as Class Co-Counsel and Liaison Counsel in the In re: Inter-op Hip Prosthesis Product Liability Litigation, MDL-1401 overseeing the Interests and rights of approximately 3,000 class members in the \$1 Billion Settlement. Weisman Kennedy was subclass counsel in the \$4.5 Billion Settlement in the In re: Diet Drug (Phentermine/Fenfluramine/ Dexfenfluramine) Products Liability Litigation, MDL-1203.

In the In re: Telectronics Pacing Systems litigation, Weisman Kennedy was one of the law firms appointed by the Federal District Court to provide a leadership role on behalf of

thousands of consumers who had received faulty pacemakers. The pacemakers had a poorly designed lead wire that, if left implanted in the atrium of the heart, could fracture and lead to severe injury or even death. Weisman Kennedy took the lead role in a Summary Jury Trial before a jury in Federal Court in Cincinnati, Ohio. This Summary Jury Trial was used by Senior District Judge Spiegel in an attempt to resolve the case. The summary jury found in favor of the plaintiffs and awarded Two Hundred Sixty-eight million dollars (\$268,000,000.00) in damages. In his order written at the conclusion of the Summary Jury Trial, Judge Spiegel stated:

.... In litigating this case, Class and Plaintiffs' Counsel expended significant resources of both time and monies. Counsel employed expert witnesses and conducted extensive discovery . . . We believe that, without such a class action, small individual claimants would lack the resources to litigate a case of this magnitude. Attorneys who take on class action matters serve a benefit to society and the judicial process by enabling such small claimants to pool their claims and resources.

....We find that the professional skill and standing of all Counsel involved on behalf of the class was highly commendable, professional and was prosecuted with a great deal of skill,

This case represents hard-fought litigation, and, in the beginning, a settlement of this magnitude appeared almost inconceivable. Class Counsel . . . demonstrated their professionalism and skill . . . aware of the strengths and weaknesses of their case....

Recognizing the extensive amount of time, services and skill . . .

Plaintiffs' Counsel . . . expended in this case, the Court concludes that the reputations of all of the Counsel in this action are well earned and deserved.

Due to the success Weisman Kennedy experienced as counsel for Plaintiffs in numerous noteworthy proceedings, Weisman Kennedy has also served as defense counsel in multiple class actions and served as co-lead counsel and trial counsel for the Defendant group in the In re: Welding Fume Litigation, (MDL 1535) which involved claims by over 10,000 welders against over fifty (50) defendants due to alleged injuries from welding rods.

Weisman Kennedy served in leadership in the In re: DePuy ASR Hip Implant Products Liability Litigation, (MDL 2197) and it did the majority of the important liability discovery in the MDL. Weisman Kennedy was also selected as lead trial counsel for the first Federal bellwether case and the global DePuy ASR settlement was achieved within only weeks before the start of the trial. Weisman Kennedy was heavily involved in negotiating the settlement and took the lead in drafting and helping to administering the orderly resolution of the thousands of claims. Additionally, Weisman Kennedy held a leadership role in the In re: Stryker Rejuvenate and ABG-II Hip Implants Products Liability Litigation, (MDL 2441). The Rejuvenate litigation settled quickly but Weisman Kennedy did all of the liability discovery and, again, was heavily involved in negotiating and helping to administer the settlement.

Currently, Weisman Kennedy is serving on the Plaintiffs' Executive Committee in the In re: National Prescription Opiate Litigation, (MDL 2804). As part of this appointment, Weisman Kennedy has taken the lead in the liability discovery against one of the pharmacy defendants and has also heavily participated in the liability discovery against on the distributor defendants. Additionally, Weisman Kennedy is serving as a consultant to the Trustee of the Fire Victims Trust in the \$13 billion dollar PG&E settlement for the California wildfires.

Examples of mass tort/class action cases of significant involvement include:

- In re: Silicone Gel Breast Implant Products Liability Litigation, (MDL No. 926).
- In re: Air Disaster at New York LaGuardia Airport on March 22, 1992, (MDL No. 936).
- In re: Orthopedic Bone Screws Products Liability Litigation, (MDL 1014)
- In re: Telectronics (cardiac monitoring leads) Pacing Systems, Inc., (MDL No. 1057).
- In re: Diet Drugs (Phentermine / Fenfluramine / Dexfenfluramine) Products Liability Litigation, (MDL No. 1203).

- In re: Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation, (MDL No. 1401).
- In re: Welding Fume Litigation, (MDL 1535).
- In re: DePuy ASR Hip Implant Products Liability Litigation, (MDL 2197).
- In re: Stryker Rejuvenate and ABG-II Hip Implants Products Liability Litigation, (MDL 2441).
- In re: National Prescription Opiate Litigation, (MDL 2804).
- In re: Phar-Mor, Inc. Securities Litigation.
- James Wojtkiewicz v. Blue Cross and Blue Shield Mutual of Ohio; Marlene Misch v. Community Mutual Insurance Company.
- In re: Valence Technology Securities Litigation.
- In re: Royal Appliance Securities Litigation.
- In re: Valley Systems Securities Litigation.
- In Re: Figgie International, Inc. Securities Litigation.
- Goldy v. Auto Owners Insurance Company, et al. (Insurance class action).
- In re: Gliatech Inc. Securities Litigation.
- Sherma v. Cole National Corp. et al. (Securities class action).
- In re: First Energy Securities Litigation.
- Kline v. The Progressive Corporation, et al. (Insurance class action).
- Wright v. Travelers Property Casualty Ins. Co. of Illinois, et al. (Insurance class action).
- Rudean Ellens v. Genworth Life and Annuity Ins. Co. (Insurance class action).
- David Middleton v. Genworth Life and Annuity Ins. Co. (Insurance class action).
- Dana McGill v. Parker Centennial Assurance Co. (Insurance class action).
- Hynak v. Mid-West National Life Insurance Co. of Tennessee (Insurance class action).

- Hardy v. Minnesota Life Insurance Co. (Insurance class action).
- Townsend v. Protective Life Insurance Co. (Insurance class action).
- Lonardo v. Travelers Indemnity Co. (Insurance class action).